



**Town of Ipswich Finance Committee
Warrant for the Special Town Meeting**

**Saturday, October 16, 2021
9:00 AM**

Please bring this report to Town Meeting

TABLE OF CONTENTS

Warrant Articles with Select Board and Finance Committee votes and Finance Committee
Recommendations

	<u>Page</u>
Article 1	3
Article 2	4
Article 3	4
Article 4	5
Article 5	6
Article 6	7
Article 7	10
Article 8	12
Article 9	26
Exhibit A: Public Safety Building – Tax Impact	29
Exhibit B: Strategic Planning Working Group Report	30
Exhibit C: Calculating the Tax Impact of the Articles	33
Exhibit D: Moderator’s Guide to Town Meeting	34

September 30, 2021

To the Citizens of Ipswich:

The Finance Committee is pleased to present this report for the Special Town Meeting on October 16, 2021. This Warrant contains Articles which amend the Municipal and School Budgets for the current fiscal year and Articles that impact General Bylaws, planning, zoning, capital projects and other concerns important to the Town. In addition to the Articles and recommendations, you will also find the following:

- Exhibit A: Public Safety Building – Tax Impact Forecast
- Exhibit B: An overview of the Strategic Planning Working Group’s findings. The Executive Summary explains the committees work to date and the roadmap of upcoming projects.
- Exhibit C: The process by which you can calculate the tax impact of each article.
- Exhibit D: The Town of Ipswich Moderator’s Guide for Town Meeting.

Please join us, your fellow neighbor, and make a difference in your community. With so much important business before the Town, it is imperative you participate on Saturday Morning, October 16, 2021 on the football field behind the Middle School-High School. Come attend Open Town Meeting, consider the articles, ask questions, voice your opinion, and vote!

Respectfully Submitted,
Michael S. Dougherty, Chairman
Town of Ipswich Finance Committee

Walter Hartford, Vice Chairman	Christopher Doucette	Emilie Smith	Michael Schaff
Joseph Bourque	Jamie M. Fay	Janice Clements-Skelton	Robert White

ARTICLE 1 – Amend Town Budget (State Aid)

Submitted by: Select Board

To see if the Town will vote to amend the FY2022 Municipal Budget approved under Article 3 of the May 15, 2021, Annual Town Meeting by raising and appropriating the additional sum of \$27,981 to the FY22 Management Transfer account or take any other action relative thereto.

Summary: The state budget has been finalized, and the Town will receive additional Local Aid. This appropriation will be used to offset unanticipated expenses during FY2022. This sum includes the State's 75% reimbursement to the Town for veterans' benefits in FY2020, as well a general government aid. These funds go back into the Management Transfer account, which then covers unforeseen shortages in veteran's benefits or other town budgets each year. This article requires a simple majority vote.

Select Board Recommends: 5-0
Finance Committee Recommends: 9-0

MOTION:

I move to raise and appropriate the sum of \$27,981 as set forth in Article One of the warrant for this town meeting.

Finance Committee Synopsis: The Finance Committee unanimously supports moving these funds into the Town's operating budget, specifically to the management transfer account, which is used to handle unforeseen expenditures.

Fiscal Impact: This Article has no impact on the tax rate.

ARTICLE 2 – Amend School Budget (State Aid)

Submitted by: School Committee

To see if the Town will vote to amend the FY2022 School Budget approved under Article 4 of the May 15, 2021, Annual Town Meeting by raising and appropriating the additional sum of \$44,621 or take any action relative thereto.

Summary: The state budget has been finalized, and the Town will receive additional net Chapter 70 funds. These funds will be used to offset the cost of school expenses. This article requires a simple majority vote.

Select Board Recommends: 5-0

Finance Committee Recommends: 9-0

School Committee Recommends: 6-0

MOTION:

I move to raise and appropriate the sum of \$44,621 as set forth in Article Two of the warrant of this town meeting.

Finance Committee Synopsis: The Finance Committee supports moving these funds into the School's Operating Budget.

Fiscal Impact: This Article has no impact on the tax rate.

ARTICLE 3 – Amend General Bylaws – Chapter 35, Add Government Study Committee

Submitted by: Select Board

To see if the Town will vote to dissolve the Town Government Study Committee established under Article 17 of the December 17, 1962 town meeting, and to amend Chapter 35 of the Town Bylaws ("Town Officers, Boards, Committees and Commissions") by adding a new Article VIII, "Town Government Study Committee" as set forth below, and by renumbering the existing Articles VIII and IX accordingly, or take any other action relative thereto.

ARTICLE V - Town Government Study Committee

§ 35-35. Establishment; membership.

A Town Government Study Committee shall be constituted and undertake the responsibilities set forth in § 35-36. The Committee shall consist of seven members, including one Select Board member or designee, one Finance Committee member or designee, and one School Committee member or designee, and four at-large members appointed by the Select Board for terms of three years.

§ 35-36. Responsibilities.

A. Decennial Review of Charter and Bylaws. Beginning in the year 2023 and every ten years

thereafter, the Committee shall review the structure of Town government as defined by the Town Charter and any applicable special acts and bylaws relating to the structure of Town government. The Committee shall submit any recommendations to the Select Board, after conducting a public hearing thereon, by the end of the calendar year or as soon as practicable. The committee will make a report of prioritized recommendations for appropriate actions to the Annual Town Meeting concerning amendments to the Charter, or such special acts and bylaws, or other recommendations it deems advisable.

- B. Referral. The Committee may also be convened for the purpose of making recommendations or reports on such matters pertaining to the Charter or the structure of Town government as may be referred to it by the Town Meeting or by the Select Board.

§ 35-37. **Quorum.**

A quorum of the Town Government Study Committee shall consist of no fewer than four members. A recommendation of the Town Government Study Committee to the Town Meeting or the Select Board shall require the affirmative vote of at least four members.

Summary: This article recognizes the Government Study Committee in the General Bylaws and sets parameters for membership and guidelines for charter and bylaw review and how often is should be accomplished. The Government Study Committee is a valuable group in town and adding them to the General Bylaws will clearly define their mission and committee makeup.

Select Board Recommends: 5-0

Finance Committee Recommends: 5-3

School Committee Recommends: RATM

MOTION:

I move to amend the Ipswich General Bylaws as set forth in Article Three of the warrant for this town meeting.

Finance Committee Synopsis: The Finance Committee voted 5-3 to support this article. All committee members agreed with the need to build new structure and governance around the Government Study Committee, and the need codify this clearly in our Ipswich bylaw. Members that didn't support this article, desired more operating details on how work will be prioritized, communicated and how often the new Government Study Committee will be reviewed for effectiveness.

Fiscal Impact: This Article has no fiscal impact.

ARTICLE 4 – Open Space Land Taking for Water Supply Protection Purposes – Symes Property

Submitted by: Select Board as Water Commissioners

To see if the Town will vote to authorize the Select Board, acting as Water Commissioners pursuant to § 21 of the Town Charter, to acquire by voluntary conveyance, for no monetary consideration, and for water supply and water supply protection purposes, approximately 44.714 acres of land situated northerly of Linebrook Road and easterly of Mile Lane in Ipswich, being shown as Open Space 1,947,731 S.F. 44.714 ACRES on the plan entitled “OPEN SPACE PRESERVATION ZONING (OSPZ) LAYOUT PLAN (OPEN SPACE) MILE LANE & LINEBROOK ROAD, IPSWICH, MA; LAYOUT, PLAN 3 of 3; WILLIAMS & SPARAGES, ENGINEERS; SCALE: 1”=80’; JUNE 8, 2018; REVISED TO AUGUST 4,

2020” recorded at the Essex South District Registry of Deeds in Book 38897, Page 550, or take any other action relative thereto.

Summary: In accordance with the agreement that the Select Board and Symes Development signed in 2018, this article will allow the Select Board to acquire 44.714 acres of land at no cost to the town. The land will be under the control of the Water Department and the Select Board in their role as Water Commissioners so we can keep the land for Water Supply Protection Purposes.

Select Board Recommends: 5-0
Finance Committee Recommends: 8-0

MOTION:

I move to authorize the Select Board, acting as Water Commissioners, to acquire approximately 44.714 acres of land situated northerly of Linebrook Road and easterly of Mile Lane in Ipswich for water supply and water supply protection purposes as printed in Article Four of the Warrant for this Town Meeting.

Finance Committee Synopsis: The Finance Committee unanimously supports his article which allows the town to receive part of the land that previously was the Kozeneski Farm as open space land. This land was part of the proposal by Symes Corporation for an Open Space Development plan to allow for the development of part of land preciously zoned under section 91A for farming. The agreement with Symes allowed for the protection of approximately 70% of the 102 acres of the property. The land covered by this article is critical to protect our water supply and also allows for the continued farming by Marini Farms.

Fiscal Impact: This article has no fiscal impact.

ARTICLE 5 - Amend Zoning Bylaws – Section VI, Footnote 11, Footnotes to the Table of Density & Dimensional Regulations

Submitted by: Planning Board

To see if the Town will vote to amend the Ipswich Protective Zoning Bylaw as follows:

(***bold italics*** = new language; ~~strike through~~ = language to be deleted)

- (1) Amend the Table of Dimensional and Density Regulations in Section VI for Principal Buildings and Structures in the In town Residence District, within the Minimum Lot Area column by deleting the Footnote “11”.
- (2) Amend Footnote 11 as follows:

The Planning Board may increase the number of dwelling units allowed under this requirement by special permit if it determines that a proposed multi-family dwelling or multi-family residential development would provide public benefit to the general public...

Under no circumstances shall the Planning Board allow less than the following minimum lot area for multi-family dwellings, multi-family residential development, and mixed residential/business uses, measured on a per unit basis: In the CB and GB Districts, 5,000 square feet (s.f.) plus 2,000 s.f. per unit for multi-family, and 3,000 s.f. plus 1,500 s.f. per unit for residential mixed uses; ~~in the IR District, 5,000 s.f. plus 3,500 s.f. per dwelling unit, except for the residential conversion of buildings containing non-residential uses and in existence on the effective date of this zoning amendment, for which the minimum~~

~~lot area shall be no less than 5,000 s.f. plus 2,000 s.f. per dwelling unit. This footnote shall not apply to parcels in the IR District which have less than 12,000 s.f. of lot area.~~

or make any other changes relative thereto.

Summary: In the past few years, some applications of the multi-family provisions within the IR District have strayed from the original intent with respect to project size and unit density. In particular, a footnote to the Table of Dimensional and Density Regulations, Footnote 11, allows one to ask for a greater density for a multi-family project, which may be approved by Special Permit from the Planning Board. The Planning Board has been faced with applications for projects that are unsuitable for their lots and incompatible with their neighborhoods. It is worth noting that Footnote 11 has been applied in several visible and successful projects, including the conversion of the former Caldwell Nursing Home (in the IR District) and the former Town Hall/District Court (located in the CB District) buildings into multi-family housing.

This article would eliminate the ability to use Footnote 11 in the IR District. It would not disallow multi-family housing, two-family housing, single-family housing or any currently allowed housing type or other use within the IR District.

Select Board Recommends: 5-0

Finance Committee Recommends: 9-0

Planning Board Recommends: 5-0

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Five of the warrant for this town meeting.

Finance Committee Synopsis: The Finance Committee unanimously supports this article. The Planning Board in Article 5 is responding to residents' concerns about excessive density allowed by Special Permit in some instances by a section of the Planning Board bylaw, Footnote 11. This article eliminates Footnote 11 for the Intown Residence District, originally intended to incentivize modest priced housing. While successful in some projects, Footnote 11 has generally failed to generate such housing. The Finance Committee supports this article.

Fiscal Impact: It is unlikely to substantively reduce tax revenues but *may* reduce revenue to the Affordable Housing Trust Fund.

ARTICLE 6 – Amend Zoning Bylaws – Revisions to Section IX.S & Section IX.P - Infill Housing and Accessory Building Conversion

Submitted by: Planning Board

To see if the Town will vote to amend the Ipswich Protective Zoning Bylaw by revising Section IX.S and Section IX.P as shown below: (***bold italics*** = new language; ~~strikethrough~~ = language to be deleted)

- (1) Amend Section IX.S, Infill Single-Family House Lots, 3. Standards and Conditions, and add new sections 4. Review Criteria and 5. Condition of Approval as described below:

~~3. Standards and Conditions~~ *Dimensional, Size and Layout Requirements*

~~Any special permit approved by the Planning Board to create an infill single-family house lot under this subsection shall be subject to the following conditions~~ *To be eligible for a special permit, the new infill lot and house shall meet the following ~~dimensional and layout~~ requirements:*

- a. The only buildings permitted on the new lot shall be a single-family house ~~not exceeding 2,200 square feet of floor area,~~ and one accessory building ~~of no more than 150 s.f. in area.~~
- b. The minimum lot width and front yard setback requirements for the existing and proposed houses shall be fifty (50) feet and ten (10) feet, respectively, except that the non-impacted side yard setback for the existing house, if legally nonconforming, may remain at its current setback, and the front yard setback for the new house may be modified by application of Footnote 1 to the Table of Dimensional and Density Regulations in Section VI.
- ~~c. The Applicant shall make the new house permanently affordable as defined in Section IX.I of this bylaw, or pay a fee of \$40,000 into to the Town's Affordable Housing Trust Fund. The fee may be adjusted by the Planning Board from time to time by the issuance of guidelines or regulations, pursuant to paragraph 3.a.ii in Section IX.I of this bylaw.~~
- ~~d. In addition to finding that the application satisfies the criteria described in Section XI.J. of this bylaw, the Planning Board must also find that the proposed single-family house will be compatible with the development pattern of the neighborhood, in terms of design, siting, massing, scale, and materials, and the lot layout. To inform its determination, the Board may seek an advisory opinion from the Design Review Board.~~
- c. *The maximum floor area of the new house allowed under this subsection shall be determined by multiplying the area of the infill lot by twenty percent (20%), except that the maximum floor area need not be less than 1,600 sq. ft., and in no instance may the maximum floor area exceed 2,000 sq. ft.*
- d. *One accessory building is permitted per infill lot. If the accessory building is not a garage it shall have no greater than a 150 sq. ft. footprint. If the accessory building is a garage, it must be designed as a one car garage only, and it must not have a footprint greater than 250 sq. ft. There shall be no habitable space within accessory buildings. If the accessory building is designed as a garage there may not be an attached garage in the principal building.*
- e. *An attached garage is permitted provided it is designed as a one car garage and its footprint does not exceed 250 sq. ft.*
- ~~e. To ensure that the development of infill detached single-family dwellings is done in a manner that is consistent with both the character and the development pattern of their surrounding neighborhoods, the Applicant is required to submit an application to the Design Review Board, pursuant to Section IX.K.4. and 5. of this bylaw.~~

4. Review Criteria

In addition to finding that the application satisfies the criteria described in Section XI.J. of this bylaw, the Planning Board must also find that the proposed single-family house will be compatible with the development pattern of the neighborhood, in terms of design, height, siting, massing, and/or scale. To inform its determination, the Board may seek an advisory opinion from the Design Review Board.

5. Condition of Approval

Any special permit approved by the Planning Board to create an infill single-family house lot under this subsection shall be subject to the following condition:

The Applicant shall make the new house permanently affordable as defined in Section IX.I of this bylaw or pay a fee into to the Town's Affordable Housing Trust Fund in accordance with the Planning Board Regulation: "Inclusionary Housing Payment-in-Lieu-of Option";

(2) Amend Section IX.P, Conversion of Accessory Building into Residential Unit, as follows:

... 3. Community Benefit

The Planning Board shall not grant a special permit under this subsection unless the applicant can provide a community benefit as determined by the Board.

... b. Other potential uses or actions that the Planning Board may find to meet a community need are as follows:

- i. Use of the dwelling unit for a family member, provided that upon the unit being vacated by family, use of the unit shall only be continued as a residential dwelling if it is affordable housing as defined in 3.a. above.
- ii. A fee in lieu of providing an affordable unit ***in accordance with the Planning Board Regulation: Inclusionary Housing Payment-in-Lieu-of Option***. ~~If the Board decides to accept a fee in lieu, the amount shall be \$15,000.~~
- iii. Preservation, renovation, and reuse of an accessory building determined by the Planning Board to have historical or architectural significance.

or to make any other changes thereto.

Summary: The "infill" provision was established in 2003 to encourage development of single-family homes in the IR District as an alternative to multi-family development. Originally infill projects were allowed only on double lots in subdivisions of 5,000 square foot lots laid out around the early 20th century, decades before the Town's first zoning bylaws in the 1950s. The provision was expanded in 2017 to include all lots having 10,000 sq. ft. of area and at least 100 feet of frontage, with limitations on the size of the single-family house, and requiring a \$40,000 payment into Town's Affordable Housing Trust Fund. By multiple measures, the infill housing provision has been successful: multiple single-family homes have been built on lots in keeping with the size of existing lots in their immediate neighborhood, and also relatively comparable in size and design, and around \$300,000 has been deposited in the Affordable Housing Trust Fund. However, the infill houses built over the past few years have sold at prices presumed to not be affordable to households earning moderate incomes. Also, there has been some concern that the current maximum floor area requirement may work reasonably well in certain areas of the IR District but less so in others. This article moves the inclusionary housing payment requirement to the Planning Board's Payment in Lieu Regulation and it limits the size of infill homes to be more consistent with the size of existing homes in their vicinity. The article also moves the payment in lieu amount for accessory building conversion projects to the Planning Board's Payment in Lieu Regulation.

Select Board Recommends: 5-0
 Finance Committee Recommends: 9-0
 Planning Board Recommends: 5-0

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Six of the warrant for this town meeting.

Finance Committee Synopsis: The Finance Committee unanimously supports this article. The Planning Board in Article 6 seeks to revise the “infill” provisions in the Intown Residential district to generate more modest priced housing than has historically been developed. In recent years, developers using this zoning provision have produced larger, more costly housing units. This article seeks to remedy this outcome by reducing the maximum size of the building and integrating affected infill projects to the Board’s Payment in Lieu regulations, recently amended to require larger payments in lieu if affordable housing is not provided. Article 6 also allows modest accessory buildings. Finance Committee supports this Article.

Fiscal Impact: This Article *may* lead to additional tax revenue.

ARTICLE 7 – Amend Zoning Bylaws – Section V. Table of Use Regulations – Revisions to Affordable Housing Incentives

Submitted by: Planning Board

To see if the Town will vote to amend the Ipswich Protective Zoning Bylaw as follows:

(***bold italics*** = new language; ~~strike through~~ = language to be deleted)

(1) Amend Section V. Table of Uses as follows:

a. Modify Footnotes to the Table of Use Regulations by:

i. revising Footnote 18 as shown below:

18. Not more than one (1) principal building per lot, except as allowed in ***mixed and*** multi-family residential developments and except for permitted uses in the IR and RRA Districts as provided in Section IX.P ***and permitted uses in the IR District as provided in Section IX.U.***

b. Amend the Table of Use Regulations, Principal Use, by adding a new use under the heading “Residential”, entitled “Detached Accessory Dwelling Unit,” and allowing said use in the IR District only, as shown below:

<i>TABLE OF USE REGULATIONS</i>										
PRINCIPAL USE	DISTRICT									
Residential	RRA¹⁶	RRB¹⁶	RRC¹⁶	IR¹⁶	GB¹⁶	CB¹⁶	HB¹⁶	PC¹⁶	I¹⁶	LI¹⁶
Single-family detached dwelling	P ¹⁸	P ¹⁸	P ¹⁸	P ¹⁸	—	—	—	—	—	—
Two-family dwelling ³⁰	SBA ¹⁸	SBA ¹⁸	SBA ¹⁸	P ¹⁸	—	—	—	—	—	—
<i>Detached Accessory Dwelling Unit</i>	—	—	—	<i>SPB⁴¹</i>	—	—	—	—	—	—
Multi-family dwelling ³⁰	—	—	—	SPB ^{18,20}	SPB ²⁰	SPB ²⁰	SPB ²⁰	—	—	—

- c. Amend the Footnotes to the Table of Use Regulations by inserting a new footnote 41 to read as follows:

41. Subject to the requirements of Section IX.U of this Zoning Bylaw.

- d. Add a new definition in Section III. Definitions, as follows:

“Detached Accessory Dwelling Unit: A detached single dwelling unit building constructed in accordance with Section IX.U of this Bylaw.

(2) Amend Section IX. Special Regulations by adding a new subsection, ***"U. Accessory Dwelling Units,"*** said section to read as follows:

"U. Detached Accessory Dwelling Units

1. The purposes of this subsection are to:

- a. Increase the supply of small, moderate and affordably priced housing within the IR District, close to the Town's center.***
- b. Promote development that is compatible with the character and development pattern of its surrounding neighborhood.***

2. Applicability

Lots within the IR District with at least 12,000 sq. ft. of land area and an existing single or two family principal use only, may apply for a special permit under this subsection to construct one Detached Accessory Dwelling Unit.

3. Dimensional Requirements

a. To be eligible for a Detached Accessory Dwelling Unit, the uses and lots listed in "2. Applicability" must conform to the following:

- i. The Detached Accessory Dwelling Unit shall comply with the setback requirements for principal uses in the IR District in accordance with the Table of Dimensional and Density Regulations in Section VI of the Zoning Bylaw and shall be considered a principal use for all purposes of this Bylaw; and***
- ii. Detached Accessory Dwelling Units designed with one floor shall not exceed 750 sq. ft. in floor area. Dwellings designed with two floors shall not exceed 1,000 sq. ft. in floor area.***
- iii. Detached Accessory Dwelling Units shall not exceed 25 feet in height.***
- iv. Detached Accessory Dwelling Units shall not include a garage.***
- v. The proposed project must comply with all other applicable dimensional requirements in Section VI including but not limited to lot coverage and building coverage.***

4. Conditions of Approval

Any special permit approved by the Planning Board pursuant to this subsection shall be subject to the following conditions:

a. Limitation of subdivision: No lot shown on a plan for which a permit is granted under this subsection may be further subdivided and applicants must record a deed restriction to this effect.

b. Affordable housing: Except when an applicant pays a fee in lieu of an affordable housing restriction in accordance with the Planning Board Regulation: “Inclusionary Housing Payment-in-Lieu-of-Option”, a deed restriction must be placed on the property to ensure that the affordable unit remain so for a period of 99 years, or the greatest period of time allowed by law, and said affordable unit must be included on the Town’s Subsidized Housing Inventory.

c. Design Review: To inform its determination, the Board may seek an advisory opinion from the Design Review Board.

or make any other changes relative thereto.

Summary: The 2020 Housing Production Plan Strategy #6 is to “provide more flexibility to create Accessory Dwelling Units (ADUs) and allow the creation of tiny houses or other small detached accessory units.” This proposal aims to increase the supply of small, moderate and affordably priced housing within the IR District, close to the Town’s center; and to promote development that is compatible with the character and development pattern of its surrounding neighborhoods. The article would allow ADUs on certain IR District lots by Planning Board special permit.

Select Board Recommends: 4-0

Finance Committee Recommends: 7-2

Planning Board Recommends: 5-0

MOTION:

I move to amend the Ipswich Zoning Bylaw as set forth in Article Seven of the warrant for this town meeting.

Finance Committee Synopsis: The Finance Committee voted 7-2 in support of this article. The Planning Board in Article 7 is expanding the potential for limited development of Accessory Dwelling Units (ADU) in the Intown Residence District to promote the development of modest priced housing compatible with existing development patterns. Granted by Special Permit, an ADU must be modest in size and either affordable or provide a Payment in Lieu. Finance Committee supports this Article.

Fiscal Impact: This Article *may* lead to additional tax revenue.

ARTICLE 8 – Amend General Bylaws – Chapter 193, Update Stormwater Management Bylaw

Submitted by: Department of Public Works

To see if the Town will vote to amend the Ipswich General Bylaws – Chapter 193 by removing the entire section and replacing it with the following:

Town of Ipswich

Stormwater Management Bylaw

Table of Contents

ARTICLE I – GENERAL PROVISIONS

Section 1. Purpose and Objective

Section 2. Definitions

Section 3. Authority

Section 4. Responsibility for Administration

Section 5. Waivers

Section 6. Regulations

Section 7. Enforcement

Section 8. Severability

ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH

Section 1. Applicability

Section 2. Prohibited Activities; Exemptions.

Section 3. Additional Prohibited Pollutants

Section 4. Emergency Suspension of Storm Drainage System Access.

Section 5. Notification of Spills

Section 6. Transitional Provisions

ARTICLE III STORMWATER MANAGEMENT AND LAND DISTURBANCE

Section 1. Applicability

Section 2. Approval and/or Permit

Section 3. Consent to Entry

Section 4. Inspection and Site Supervision

Section 5 Compliance with the Provisions of the United States Environmental Protection
Agency's (EPA) General Permit for Municipal Separate Storm Sewer Systems
(MS4s) in Massachusetts

Section 6. Surety

Section 7. Final Reports

ARTICLE I – GENERAL PROVISIONS

Section 1. Purpose and Objective

- A. The purpose of this bylaw is to protect public health, safety, general welfare, and the environment by regulating illicit connections and discharges to the storm drain system or, directly or indirectly, to a watercourse or into the waters of the Commonwealth. Its purpose is also to control the adverse effects of construction site stormwater runoff and post-construction runoff. Stormwater runoff can be a major cause of:
- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater and drinking water supplies;
 - (2) Contamination of drinking water supplies;
 - (3) Contamination of downstream coastal areas;
 - (4) Alteration or destruction of aquatic and wildlife habitat;
 - (5) Overloading or clogging of municipal stormwater management systems; and
 - (6) Flooding.
- B. The objectives of this bylaw are to:
- (1) Protect water resources;
 - (2) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;
 - (3) Prevent and reduce pollutants from entering Ipswich's municipal separate storm sewer system (MS4);
 - (4) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;
 - (5) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality;
 - (6) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed, are regularly maintained, and pose no threat to public safety; and
 - (7) Recognize the Town of Ipswich's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.

Section 2. Definitions

Unless a different definition is indicated in other sections of this bylaw, the following definitions and provisions shall apply throughout this bylaw. Additional definitions may be found within the Stormwater regulations:

ALTERATION OF DRAINAGE CHARACTERISTICS: Any activity on an area of land that changes the water quality, force, direction, timing or location of runoff flowing from the area. Such changes include:

change from distributed runoff to confined or discrete discharge; change in the volume of runoff from the area; change in the peak rate of runoff from the area; and change in the recharge to groundwater on the area.

APPLICANT: Any person, individual, partnership, association, firm, company, corporation, trust, authority, agency, department, or political subdivision, of the Commonwealth or the Federal government, to the extent permitted by law, requesting a Stormwater Management Permit.

AS-BUILT DRAWING: Drawings that completely record and document applicable aspects and features of conditions of a project following construction using Stormwater Management Plans derived from a Stormwater Management Permit.

BEST MANAGEMENT PRACTICE (BMP): An activity, procedure, restraint, or structural improvement that helps to reduce the quantity or improve the quality of stormwater runoff.

CERTIFIED PROFESSIONAL IN EROSION AND SEDIMENT CONTROL (CPESC): A certified specialist in soil erosion and sediment control. This certification program, sponsored by the Soil and Water Conservation Society in cooperation with the American Society of Agronomy, provides the public with evidence of professional qualifications.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

CLEARING: Any activity that removes the vegetative surface cover.

DEVELOPMENT: The modification of land to accommodate a new use or expansion of use, usually involving construction.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

EROSION: The wearing away of the land surface by natural or artificial forces such as wind, water, ice, gravity, or vehicle traffic and the subsequent detachment and transportation of soil particles.

EROSION AND SEDIMENTATION CONTROL PLAN: A document containing narrative, drawings and details developed by a qualified professional engineer (PE) or a Certified Professional in Erosion and Sedimentation Control (CPESC), which includes best management practices, or equivalent measures designed to control surface runoff, erosion and sedimentation during pre-construction and construction related land disturbing activities.

GRADING: Changing the level or shape of the ground surface.

GROUNDWATER: Water beneath the surface of the ground.

GRUBBING: The act of clearing land surface by digging up roots and stumps.

HAZARDOUS MATERIAL: Any material which, because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as "toxic" or "hazardous" under MGL c. 21C and c. 21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance which allows an illicit discharge into the municipal storm drain system, including without limitation sewage, process wastewater, or wash water, and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this bylaw.

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or into a watercourse or the waters of the Commonwealth that is not composed entirely of stormwater, except as exempted in Article II, §2. The term does not include a discharge in compliance with a NPDES stormwater discharge permit or resulting from fire-fighting activities exempted pursuant to Article II, §2D(1) of this bylaw.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water infiltrating the underlying soil. Impervious Surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

IMPOUNDMENT: A stormwater pond created by either constructing an embankment or excavating a pit which retains a permanent pool of water.

INFILTRATION: The act of conveying surface water into the ground to permit groundwater recharge and the reduction of stormwater runoff from a project site.

LAND-DISTURBING ACTIVITY: Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway by non-point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

LOT: An individual tract of land as shown on the current Assessor's Map for which an individual tax assessment is made. For the purposes of these regulations, a lot also refers to an area of a leasehold on a larger parcel of land, as defined in the lease agreement and shown by approximation on the Assessor's Map.

LOW IMPACT DEVELOPMENT TECHNIQUES: Innovative stormwater management systems that are modeled after natural hydrologic features. Low impact development techniques manage rainfall at the source using uniformly distributed decentralized micro-scale controls. Low impact development techniques use small cost-effective landscape features located at the lot level.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Ipswich.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORMWATER DISCHARGE PERMIT: A permit issued by United States Environmental Protection Agency or jointly with the Commonwealth of Massachusetts that authorizes the discharge of pollutants to waters of the United States.

NONPOINT SOURCE POLLUTION: Pollution from many diffuse sources caused by rainfall or snowmelt moving over and through the ground. As the runoff moves, it picks up and carries away natural and man-made pollutants finally depositing them into a water resource area.

NONSTORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of stormwater.

OPERATION AND MAINTENANCE PLAN: A plan setting up the functional, financial and organizational mechanisms for the ongoing operation and maintenance of a stormwater management system to ensure that it continues to function as designed.

OWNER: A person with a legal or equitable interest in property.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POINT SOURCE: Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

PRACTICABLE: Practicable shall be defined as available and capable of being done after taking into consideration costs, existing technology, proposed use, and logistics in light of overall project purposes. Available and capable of being done means the alternative is obtainable and feasible. Project purposes shall be defined generally (e.g., single family home, residential subdivision, expansion of a commercial development).

PRE-CONSTRUCTION: All activity in preparation for construction.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter, whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works, watercourse, or Waters of the Commonwealth. Pollutants include, but are not limited to:

- A. Paints, varnishes, and solvents;
- B. Oil and other automotive fluids;
- C. Nonhazardous liquid and solid wastes and yard wastes;
- D. Refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnance, accumulations and floatables;
- E. Pesticides, herbicides, and fertilizers;
- F. Hazardous materials and wastes;
- G. Sewage, fecal coliform and pathogens;
- H. Dissolved and particulate metals;
- I. Animal wastes;
- J. Rock, sand, salt, soils;
- K. Construction wastes and residues; and
- L. Noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

RECHARGE: The process by which groundwater is replenished by precipitation through the percolation of runoff and surface water through the soil.

REDEVELOPMENT: Development, rehabilitation, expansion, demolition, construction, land alteration, or phased projects that disturb the ground surface, including impervious surfaces, on previously developed sites. The creation of new areas of impervious surface or new areas of land disturbance on a site constitutes development, not redevelopment, even where such activities are part of a common plan which also involves redevelopment. Redevelopment includes maintenance and improvement of existing roadways including widening less than a single lane, adding shoulders, correcting substandard intersections, improving existing drainage systems, and repaving; and remedial projects specifically designed to provide improved stormwater management such as projects to separate storm drains and sanitary sewers and stormwater retrofit projects. This definition shall not include roadway or parking lot maintenance projects that do not increase the area of impervious surface.

RUNOFF: Rainfall, snowmelt, or irrigation water flowing over the ground surface.

SEDIMENT: Mineral or organic soil material that is transported by wind or water, from its origin to another location; the product of erosion processes.

SEDIMENTATION: The process or act of deposition of Sediment.

SITE: Any lot or parcel of land or area of property where Land-Disturbing Activities are, were, or will be performed.

SOIL: Any earth, sand, rock, gravel, or similar material.

STORMWATER AUTHORITY: The Ipswich Conservation Commission or its authorized agent(s).

STORMWATER: Runoff from precipitation or snow melt and surface water runoff and drainage.

STORMWATER MANAGEMENT PLAN: A plan required as part of the application for a Stormwater Management Permit.

TOTAL MAXIMUM DAILY LOAD or TMDL: the greatest amount of a pollutant that a water body can accept and still meet water quality standards for protecting public health and maintaining the designated beneficial uses of those waters for drinking, swimming, recreation, and fishing. A TMDL is also a plan, adopted under the Clean Water Act, specifying how much of a specific pollutant can come from various sources, including stormwater discharges, and identifies strategies for reducing the pollutant discharges from these sources so as not to violate Massachusetts surface water quality standards. (314 CMR 4.00, et seq.)

TOTAL SUSPENDED SOLIDS or TSS: Undissolved organic or inorganic particles in water.

VERNAL POOLS: Temporary bodies of freshwater which provide critical habitat for a number of vertebrate and invertebrate wildlife species.

WASTE LOAD ALLOCATION: The maximum concentration or mass of a pollutant which can be discharged to a waterway from point sources without causing a violation of surface water quality standards as established in an applicable TMDL.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands,

coastal waters, groundwater, and Waters of the United States as defined under the Federal Clean Water Act as hereafter amended.

WETLANDS: Tidal and non-tidal areas characterized by saturated or nearly saturated soils most of the year that are located between terrestrial (land-based) and aquatic (water-based) environments, including freshwater marshes around ponds and channels (rivers and streams), brackish and salt marshes; common names include marshes, swamps and bogs.

Section 3. Authority

This bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution, the Massachusetts home rule statutes, and the regulations of the Federal Clean Water Act, 40 CFR 122.34.

Section 4. Responsibility for administration

- A. Stormwater Authority shall administer, implement and enforce this bylaw. Any powers granted to or duties imposed upon Stormwater Authority may be delegated in writing by Stormwater Authority to its employees or agents.

Section 5. Waivers

- A. The Stormwater Authority, or its authorized agent, may waive strict compliance with any requirement of this bylaw or the rules and regulations promulgated hereunder, where such action is:
 - (1) allowed by federal, state and local statutes and/or regulations; and
 - (2) in the public interest; and
 - (3) not inconsistent with the purpose and intent of this bylaw.
- B. Any person seeking a waiver must submit a written waiver request. Such a request shall be accompanied by an explanation or documentation supporting the waiver request and demonstrating that strict application of the bylaw does not further the purposes or objectives of this bylaw.
- C. All waiver requests shall require a public hearing.
- D. If in the opinion of the Stormwater Authority or its authorized agent, additional time or information is required for review of a waiver request, the Stormwater Authority may continue a hearing to a date certain announced at the meeting. In the event the applicant objects to a continuance, or fails to provide requested information, the waiver request shall be denied.

Section 6. Regulations

- A. The Stormwater Authority shall adopt within one (1) year, and may periodically amend, regulations, rules and/or written guidance relating to the terms, conditions, definitions, enforcement, fees, procedures and administration of this Stormwater Management bylaw by majority vote after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, at least fourteen (14) calendar days prior to the hearing date. Failure of the Stormwater Authority to issue such rules, or regulations, or a legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this bylaw.
- B. Stormwater Management regulations, rules or guidance shall identify thresholds and requirements for Stormwater Management Permits required by this bylaw and consistent with or more stringent than the most recent Small Municipal Separate Sewer System General Permit (MS4).
- C. Stormwater Management regulations may identify one or more categories of projects (e.g.,

Major versus Minor) that, because of their size, scope and common features or characteristics, may be approved by one or more agents of the Stormwater Authority rather than by a majority of Stormwater Authority members pursuant to Article III of this bylaw. For such projects, the Stormwater Authority will identify minimum stormwater management standards pursuant to this bylaw, compliance with which is required before the project is approved.

Section 7. Enforcement

The Stormwater Authority or its authorized agent shall enforce this bylaw, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

A. Criminal and Civil relief.

- (1) Any person who violates the provisions of this bylaw, or any associated regulations, permit, notice, or order issued thereunder, may be subject to criminal penalties and prosecution in a court of competent jurisdiction and shall result in a criminal fine of not more than \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- (2) The Stormwater Authority may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders.

- (1) The Stormwater Authority or its authorized agent may issue a written order to enforce the provisions of this bylaw or any regulations thereunder, which may include:
 - (a) Elimination of illicit connections or discharges to the MS4;
 - (b) Elimination of discharges to the MS4 or, directly or indirectly, into a watercourse or into the Waters of the Commonwealth.
 - (c) Performance of monitoring, analyses, and reporting;
 - (d) Cessation of unlawful discharges, practices, or operations;
 - (e) Implementation of measures to minimize the discharge of pollutants until such time as the illicit connection or discharge shall be eliminated; and
 - (f) Remediation of contamination in connection therewith.
- (2) If the Stormwater Authority determines that a person's failure to follow the requirements of a Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, or Operations and Maintenance Plan or any other authorization issued pursuant to this bylaw or regulations issued hereunder, then the Authority may issue a written order to the person to remediate the non-compliance and/or any adverse impact caused by it, which may include:
 - (a) A requirement to cease and desist from the land-disturbing activity until there is compliance with the bylaw and provisions of the Stormwater Management Permit or other authorization;
 - (b) Maintenance, installation or performance of additional erosion and sediment control measures;
 - (c) Monitoring, analyses, and reporting
 - (d) Remediation of erosion and sedimentation resulting directly or indirectly from the land-disturbing activity; and/or

- (e) A requirement to eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- (3) If the Stormwater Authority or its authorized agent determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further provide that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town of Ipswich may, at its option, undertake such work, and expenses thereof shall be charged to the violator.
- (4) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town of Ipswich, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Stormwater Authority within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Stormwater Authority affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in M.G.L. c. 59, § 57 after the 31st day at which the costs first become due.
- C. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town of Ipswich may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c. 40, § 21D and Ch. 325 of the General Bylaws of the Town of Ipswich, in which case the agent of the Stormwater Authority shall be the enforcing person. The penalty for the first violation shall \$50. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- D. Entry to perform duties under this bylaw. To the extent permitted by local, state or federal law, or if authorized by the owner or other party in control of the property, the Stormwater Authority, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under this bylaw and regulations and may make or cause to be made such examinations, surveys or sampling as the Stormwater Authority deems reasonably necessary.
- E. Appeals. The decisions or orders of the Stormwater Authority shall be final. Further relief shall be appealed to a court of competent jurisdiction.
- F. Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

Section 8. Severability

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

ARTICLE II – DISCHARGES TO THE MUNICIPAL SEPARATE STORM SEWER SYSTEM AND TO WATERCOURSES OR WATERS OF THE COMMONWEALTH

Section 1. Applicability

Article II of this bylaw shall apply to all water generated on any developed or undeveloped lands and entering the municipally owned storm drainage system or entering, directly or indirectly, into a watercourse

or waters of the Commonwealth, except as explicitly exempted in this bylaw or where the Stormwater Authority has issued a waiver in accordance with Article I § 5.

Section 2. Prohibited activities; exemptions.

- A. Illicit discharges. No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or nonstormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or, directly or indirectly, into a watercourse or waters of the Commonwealth.
- B. Illicit connections. No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.
- C. Obstruction of municipal storm drain system. No person shall obstruct or interfere with the normal flow of stormwater into or out of the municipal storm drain system without prior consent from the Stormwater Authority.
- D. Exemptions.
 - (1) Discharge or flow resulting from fire-fighting activities;
 - (2) The following nonstormwater discharges or flows are exempt from the prohibitions of this section provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, to a watercourse or waters of the Commonwealth:
 - (a) Waterline flushing;
 - (b) Flow from potable water sources, with the exception of landscape irrigation and lawn watering, unless they are determined to be a significant source of pollutants;
 - (c) Springs;
 - (d) Natural flow from riparian habitats and wetlands;
 - (e) Diverted stream flow;
 - (f) Rising groundwater;
 - (g) Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit for such discharge from the Stormwater Authority prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Stormwater Authority;
 - (h) Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems), crawl space pumps, or air-conditioning condensation;
 - (i) Discharge from street sweeping;
 - (j) Dye testing, provided verbal notification is given to the Stormwater Authority prior to the time of the test;
 - (k) Nonstormwater discharge permitted under a NPDES permit, waiver, or waste discharge order held by the owner and administered under the

authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations; and

- (I) Discharge for which advanced written approval is received from the Stormwater Authority as necessary to protect public health, safety, welfare or the environment.

Section 3. Additional Prohibited Pollutants

- A. Pet Waste: Ipswich is subject to a Pathogen TMDL, and because dog feces are a major component of stormwater pollution, it shall be the duty of each person who owns, possesses, or controls a dog to remove and properly dispose of any feces left by the dog on any public or private property neither owned nor occupied by said person. It is prohibited to dispose of dog feces in any public or private storm drain, catch basin, wetland, or water body or on any paved or impervious surface. However, this provision shall not be applicable to a person using a helping dog or other helping animal registered as such. Persons walking dogs must carry with them a device designed to properly dispose of dog feces including, but not limited to, a bag or "pooper scooper." For specific requirements and penalties for violations see § 109-8 of the General Bylaws of the Town of Ipswich.
- B. Pavement Sealers: Coal tar-based driveway and pavement sealers have been identified as a primary source of poly-aromatic hydrocarbons affecting streams in developed areas. Poly-aromatic hydrocarbons are classified by the United States Environmental Protection Agency as a probable human carcinogen and are highly toxic to aquatic life. Asphalt-based driveway and pavement sealers contain low concentrations of poly-aromatic hydrocarbons. Therefore, application of coal tar-based driveway and pavement sealers is prohibited for all paved areas directly connected to the MS4, a watercourse, or Waters of the Commonwealth.

Section 4. Emergency suspension of storm drainage system access

The Stormwater Authority or its authorized agent may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Stormwater Authority may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare, or the environment.

Section 5. Notification of spills

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system, watercourse, or Waters of the Commonwealth, the person shall take all necessary steps to ensure containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the municipal fire and police departments. In the event of a release of nonhazardous material, the reporting person shall notify the authorized enforcement agency no later than the next business day. The reporting person shall provide to the Stormwater Authority written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on site a written record of the discharge

and the actions taken to address it and prevent its recurrence. Such records shall be retained for at least three years.

Section 6. Transitional provisions

Residential property owners shall have 60 days from the effective date of this bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

ARTICLE III – STORMWATER MANAGEMENT AND LAND DISTURBANCE

Section 1. Applicability

No person may undertake a construction activity or land disturbance, including clearing, grading, excavation, or redevelopment that will disturb equal to or greater than thresholds outlined in the Town of Ipswich Stormwater Regulations without an applicable permit as also outlined in the Stormwater Regulations.

Any person that fails to follow the requirements of an issued Stormwater Management Permit and the related Erosion and Sedimentation Control Plan, and Operations and Maintenance Plan, or any Permit issued under the Stormwater Management Regulations shall be in violation of the Ipswich Stormwater Bylaw.

Section 2. Approval and/or Permit

A Stormwater Management Permit must be obtained prior to the commencement of Land Disturbing Activity or Redevelopment based on thresholds established in the Stormwater Management Regulations. An applicant seeking an approval and/or permit shall file an appropriate application with the Stormwater Authority in a form and containing information as specified in this bylaw and in regulations adopted by the Stormwater Authority.

Section 3. Consent to Entry onto Property

An applicant consents to entry of Stormwater Authority or its authorized agents in or on the site to verify the information in the application and to inspect for compliance with Review or Permit conditions.

Section 4. Inspection and Site Supervision

The Stormwater Authority or its designated agent shall make inspections as outlined in the Stormwater Management Regulations to verify and document compliance with the Stormwater Management Permit.

Section 5. Compliance with the provisions of EPAs General Permit for MS4s in Massachusetts

This bylaw and its related Stormwater Management Regulations shall be implemented in accordance with the requirements of United States Environmental Protection Agency's most recent Massachusetts Small Municipal Separate Storm Sewer System (MS4s) General Permit relating to illicit connections and discharges, construction site runoff, and post-construction stormwater management, as well as the Massachusetts Wetlands Management Act. The Stormwater Authority may establish additional requirements by regulation to further the purposes and objectives of this bylaw so long as they are not less stringent than those in the MS4 General Permit for Massachusetts.

Section 6. Surety

The Stormwater Authority may require the applicant to post before the start of land disturbance or construction activity, a surety bond, irrevocable letter of credit, cash, or other acceptable security. The form of the bond shall be approved by the Stormwater Authority and be in an amount deemed sufficient by the Stormwater Authority to ensure that the work will be completed in accordance with the permit. If the project

is phased, the Stormwater Authority may release part of the bond as each phase is completed in compliance with the permit.

Section 7. Final Reports

Upon completion of the work, the applicant shall submit a report (including certified as-built construction plans) from a Professional Engineer (P.E.), surveyor, or Certified Professional in Erosion and Sedimentation Control (CPESC), certifying that all BMPs, erosion and sedimentation control devices, and approved changes and modifications, have been completed in accordance with the conditions of the approved Erosion and Sediment Control Plan and Stormwater Management Plan. The Stormwater Authority may, by regulation, require ongoing reporting to ensure long-term compliance, including, but not limited to, appropriate operation and maintenance of Stormwater BMPs. Any discrepancies shall be noted in the cover letter.

Summary: On April 4, 2016, EPA issued a final NPDES general permit for discharges of stormwater from small municipal separate storm sewer systems (MS4s) in Massachusetts under the Clean Water Act. This general permit became effective in 2018 and was updated in 2020. One of the many components of this new permit requires that municipalities strengthen their post-construction stormwater management standards for new and re-development projects by updating their existing ordinances, bylaws or other regulatory mechanisms. In particular, the permit requires that the regulatory mechanism include (among other requirements):

- Provisions that require Low Impact Development site planning and design strategies.*
- The requirement that the design of stormwater management systems be consistent with, or more stringent than the Massachusetts Stormwater Handbook.*
- Requirements that stormwater management systems on new development and redevelopment projects meet minimum average annual pollutant removal rates.*

To assist communities in updating their bylaws or ordinances to meet the new permit requirements, two regional associations, the Neponset River Watershed Association and the Northern Middlesex Stormwater Collaborative worked with communities within their regions to develop tools, including bylaw templates, to assist communities in updating their bylaws. Both the EPA and DEP endorsed the use of these templates to ensure compliance with the permit requirements.

To develop the proposed new Stormwater Bylaw for Ipswich, both of the proposed templates were used for reference with slight modifications proposed to tailor the bylaw to Ipswich. In general, the permitting procedures are consistent with those required by the current stormwater bylaw, but the new version includes provisions necessary to meet the permit requirements, including those bulleted above.

The proposed new bylaw meets the requirements of the 2016 MS4 General permit and adopting the new bylaw would ensure that the Town is compliant with the EPA's 2016 MS4 permit.

Select Board Recommends: 4-0
Finance Committee Recommends: 9-0

MOTION:

I move to amend the Ipswich General Bylaws as set forth in Article Eight of the warrant for this town meeting.

Finance Committee Synopsis: The Finance Committee unanimously supports Article Eight to update the towns Stormwater Management Bylaw to comply with Federally mandated standards. Possible future fines could result if the town takes no action.

Fiscal Impact: This Article will have no fiscal impact.

ARTICLE 9 – Public Safety Building Appropriation for Design and Construction Costs

Submitted by: *Select Board*

To see if the Town will vote to appropriate the sum of \$27,500,000 to pay costs of designing, constructing, equipping, and furnishing a Public Safety Building to be located at 4 Pineswamp Road, said property being more particularly described in the deed to the Town of Ipswich recorded at Book 39283, Page 164 in the Essex South District Registry of Deeds, to support the Town's Police, Emergency Dispatch, Emergency Management, Harbormaster, Shellfish, Animal Control and Fire Departments, including all costs incidental and related thereto; and to meet this appropriation by authorizing the Treasurer, with the approval of the Select Board, to issue bonds or serial notes under the provisions of M.G.L. c.44, as amended, or any other borrowing authority; and to take any other action relative thereto.

Requires: 2/3rds majority & ballot vote

Summary: This article seeks funding to design and build a much-needed facility to adequately house all public safety departments and provide a safe and structurally sound building for staff, vehicles and equipment, and the community. The Public Safety Facility Committee has worked diligently for several years to conduct a comprehensive feasibility study for these departments and to explore all options based on current and anticipated future programming needs and responsibilities based on the results of that study.

At the October 2020 Special Town Meeting, the town acknowledged this vital need and indicated its support for a new combined facility with the first step of approving the land purchase on Pineswamp Road that will ensure the best emergency response times to all areas of town. However, the town opted not to approve the funding for building design at that time, preferring instead to know the total project cost, including design and construction. The \$27,500,000 requested in this article is the maximum amount to be expended on this project.

Replacement of our current public safety facilities is long overdue and critical to the safety and well-being of every Ipswich resident, as well as those who work and visit here. This project is a top priority in the recent Strategic Planning Working Group's report, and is supported by the Select Board, the Finance Committee and the School Committee. This is a debt exclusion request and as such requires a 2/3 majority vote at town meeting and a successful ballot vote which will be held on Tuesday October 26, 2021.

Select Board Recommends: 4-0
Finance Committee Recommends: 8-1
School Committee Recommends: 6-0

MOTION:

I move that \$27,500,000 is appropriated to pay costs of designing, constructing, equipping, and furnishing a Public Safety Building to be located at 4 Pineswamp Road, said property being more particularly described in the deed to the Town of Ipswich recorded at Book 39283, Page 164 in the

Essex South District Registry of Deeds, to support the Town's Police, Emergency Dispatch, Emergency Management, Harbormaster, Shellfish, Animal Control and Fire Departments, including all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Select Board is authorized to borrow \$27,500,000 under M.G.L. c.44, §7 or any other enabling authority; and that the Select Board is authorized to take any other action necessary to carry out this project, provided however that this appropriation shall not take effect until the voters of the Town shall have approved by ballot an exclusion of the principal and interest on said bonds or notes from the limitations of G.L. c.59, §21C ("Proposition 2½"). Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with M.G.L. c.44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

Finance Committee Synopsis: The Finance Committee recommends on a vote of 8-1 that the Town Meeting approve funding for the design of the Public Safety Facility in the amount of \$27,500,000. The Select Board recommends this article unanimously. The School Committee recommends this article unanimously.

The Ipswich Public Safety Facilities Committee was charged by the Board of Selectmen in December 2016 with identifying and evaluating suitable locations for a combined public safety facility; recommending an appropriate sum to conduct a feasibility study; working with the Town Manager and town staff to obtain Owner's Project Manager and architectural services; and to design, construct, and commission a facility suitable to present and future public safety needs of Ipswich. The Committee is composed of knowledgeable citizens and town officials, including two members of the Select Board, a representative of the Finance Committee, the Town Manager and the police and fire chiefs. The Committee has met more than 75 times over the past five years to carry out this charge. Article 9 is the culmination of the efforts of this Committee and recommends an appropriation for the design and construction of the Ipswich Public Safety Facility on land the town has acquired at 4 Pineswamp Road.

The Town of Ipswich has been actively considering the future of the public safety facilities for at least the past twenty years with much study and discussion but no concrete outcomes. In 2018, the Committee presented a warrant article at the Annual Town Meeting to fund a feasibility study to assist the Committee. Town Meeting approved \$140,000 towards this effort. HKT Architects were selected after a public bidding process and commenced work in early 2019.

With input from the architects on program and site needs, the Committee was able to find a site which was both suitable in size, located in the downtown and available at a reasonable price. In December 2019, the Select Board signed a purchase and sale agreement for the acquisition of 8-acre parcel of land on the corner of Linebrook Road and Pine Swamp Road from the Archdiocese of Boston. The purchase and sale agreement were contingent upon Town Meeting approval which, with the support of the Finance Committee, was approved at the Special Town Meeting in October, 2020. The property at 4 Pineswamp Road was acquired by the Town in December 2020 for \$630,000.

The Public Safety Facilities Committee also presented an article at the October 2020 Special Town Meeting for funding to engage an architect and design team to bring the project from its current conceptual stage through design development and final design to documents ready to go out to bid. However, the voters did not approve this approach of funding design services first, but instead requested that the full cost of the project, including all design, construction and related services be presented to the Town Meeting for a single

vote. Article 9 is responsive to this request and presents the full cost of the project based on the Public Safety Building Feasibility Study dated May 15, 2021.

In response to voter concerns over the number of upcoming major building and infrastructure projects, the Select Board convened a Strategic Planning Working Group in the fall of 2019, consisting of representatives of the Select Board, Finance Committee, School Committee, Town and School administrators and citizens. This group convened numerous meetings over the next year to analyze and prepare data on upcoming projects and overrides and presented their findings to the Tri-Board in September 2020. Based on this presentation and in consideration of the needs for water, sewer, highways, schools, and public safety and the fiscal abilities of the Town, the Tri Board recommended that the Public Safety Facility should be presented to the Town Meeting for funding in FY22.

The \$27.5 million requested in this article represents an estimate of project costs prepared by an independent cost estimator working for the architects. These costs include a 3.5% per year increase in construction pricing based on historical trends through the mid-point in construction of Spring 2023. The cost estimate includes in addition to the hard construction costs, architectural and engineering design services, Owner's Project Manager and clerk of the works services, legal, related traffic improvements, furnishings and fixtures for the completed building, commissioning costs of the building and Owner's contingency costs.

The cost estimate breakdown from the Feasibility Study is as follows:

Arch/Engineering Design	\$2,540,000
Additional Soft Costs and Contingencies	\$3,100,000
<u>Hard Construction Cost</u>	<u>\$21, 960,000</u>
Total Project Cost	\$27,600,000 ¹

The Finance Committee wishes to reassure the voters that additional funding for this project will not be sought from Town Meeting. The intent is to design this facility to the appropriated project cost and to modify the design if necessary to hit the budget target. The funds authorized through this article would need to receive a two-thirds majority vote at Town Meeting and a majority vote at the Town election in order to appropriate the funds and exempt the debt service from the provisions of Proposition 2 ½.

Fiscal Impact: The cost to taxpayers of this article is estimated to be approximately \$298.00 annually for the average single-family home currently assessed at \$586,200. This is based on a series of bond anticipation notes issued during design and construction and level debt service bonds issued at project completion to be paid back over a period of 28 years. The first year of full tax rate impact would be FY2027 with the debt service expiring in FY2054. The assumed bond interest rate is 4% and the impact to the tax rate is \$0.51 per \$1,000 of assessed value.

¹ For purposes of the warrant article project cost is estimated at \$27,500,000.

EXHIBIT A

PUBLIC SAFETY BUILDING - TAX IMPACT

Town of Ipswich, Massachusetts					
Proposed Public Safety Building					
		Estimated Project Cost:	\$	27,500,000	
		Estimated Note Interest Rate:		2.00%	
		Estimated Bond Interest Rate:		4.00%	
		2021 Total Assessed Valuation:	\$	3,245,099,399	
		2021 Average Single Family Home Value:	\$	586,203	
		A		B	C
Fiscal Year		Projected Debt Service (see Plan of Finance below)		Tax Rate Impact per \$100,000 of 2021 AV	Impact of Projected Debt on Average Single Family Home
2023		\$ 50,000		\$ 1.54	\$ 9.03
2024		490,000		15.10	88.51
2025		650,000		20.03	117.42
2026		1,528,000		47.09	276.02
2027		1,653,400		50.95	298.67
2028		1,650,400		50.86	298.13
2029		1,651,600		50.90	298.35
2030		1,651,800		50.90	298.39
2031		1,651,000		50.88	298.24
2032		1,649,200		50.82	297.92
2033		1,651,400		50.89	298.31
2034		1,647,400		50.77	297.59
2035		1,647,400		50.77	297.59
2036		1,646,200		50.73	297.37
2037		1,653,800		50.96	298.75
2038		1,649,800		50.84	298.02
2039		1,649,600		50.83	297.99
2040		1,648,000		50.78	297.70
2041		1,655,000		51.00	298.96
2042		1,650,200		50.85	298.10
2043		1,654,000		50.97	298.78
2044		1,646,000		50.72	297.34
2045		1,646,600		50.74	297.45
2046		1,650,400		50.86	298.13
2047		1,652,200		50.91	298.46
2048		1,652,000		50.91	298.42
2049		1,644,800		50.69	297.12
2050		1,655,800		51.02	299.11
2051		1,654,200		50.98	298.82
2052		1,650,400		50.86	298.13
2053		1,499,400		26.55	155.64
2054		182,000		3.22	18.89
		<u>\$ 47,312,000</u>			
<i>Projected Debt Service based on Plan of Finance below:</i>					
* \$2.5M Notes for Design issued Feb 2022, due Feb 2023; renewed Feb 2023, due Feb 2024. \$2.5M Bonds for Design issued Feb 2024 for 28-year term on a level debt service basis.					
* \$22M Notes for Construction issued Feb 2023, due Feb 2024; renewed Feb 2024, due Feb 2025. \$22M Bonds for Construction issued Feb 2025 for 28-year term on a level debt service basis.					
* \$3M Notes for Construction issued Feb 2024, due Feb 2025; renewed Feb 2025, due Feb 2026. \$3M Bonds for Construction issued Feb 2026 for 28-year term on a level debt service basis.					
<i>Assumptions:</i>					
* Interest rates are estimated and subject to change.					
* Tax rate impact assumes no growth in assessed value over the life of the bonds.					
* Tax rate impact assumes the average home value will remain constant over the life of the bonds.					
* Bonds issued on a level debt service basis.					

EXHIBIT B

Strategic Planning Working Group

Executive Summary

September 2021

This document provides a summary of the work of the Strategic Planning Working Group for the Town of Ipswich. It contains a short history of the Working Group, a summary of our findings and recommendations, and details on the scenarios studied by the Working Group and the recommended plan adopted by the Town.

History and Purpose

Purpose: The purpose of the Strategic Planning Working Group (Working Group) is to provide community leaders and Ipswich residents with information on major infrastructure and operational needs of the Town including a variety of scenarios to consider for meeting these needs. The strategic plan will allow managers and residents to better appreciate our future planning needs, understand the costs, benefits, and interactions of various planning scenarios, and make thoughtful and effective decisions.

Goal: To develop a cost projection and investment model for key infrastructure and operational needs in Ipswich, MA. Utilizing the model, propose for Tri-Board discussion 5-10 different scenarios for addressing those needs over the next 10-15 years and beyond.

Committee Membership

Nishan Mootafian, Former member of the Select Board, **Rob White**, Finance Committee, **Carl Nylen**, Former Member of the School Committee/Citizen, **Adam Gray**, Citizen, **Emilie Smith**, Citizen, **Anthony Marino**, Town Manager, **Brian Blake**, Superintendent, **Sarah Johnson**, Town Finance Director, **Joanne Cuff**, Retired School Finance Director, **Cheryl Herrick-Stella**, Ipswich Schools Director of Finance & Operations, **Ethan Parsons**, Planning Director, **Chris Rais**, Facilities Director, **Rick Clarke**, Public Works Director, **Vicki Halmen**, Water & Wastewater Director

Process and Key Assumptions

After formation in 2020, the Working Group examined the Town's most pressing strategic needs presented by town department heads, creating the following list of investments:

- Public Safety Building
- Elementary School Building
- Roads
- Open Space
- School Operational Override
- Town Operational Override

- Water Utility Systems
- Electric Utility Systems

The Working Group examined the following factors for each investment: the tax rate impact using different debt payment scenarios for each project, the rate-payer impact of utility (water, wastewater and electric) improvements, and the cost and impact of deferring each project.

The Working Group scenarios and findings were based on a number of assumptions including: focus on a 10-15 year planning horizon to address needs, tax rate impacts are based on a \$500,000 home value with 3% annual property value increase (based on past history), debt service terms used are the maximum allowable borrowing term or historic practice, and project sequencing is based on investment timeframes recommended by the departments.

Investment Scenarios and Findings

The Working Group collected past and present planning documents from the town departments, and various town committees. The group reviewed these plans with an interest in capturing major town-wide capital and operational investments that Ipswich will need to contemplate in the next 20 years including cost estimates and recommended timeframes. The committee then compiled and sequenced all major (>\$500K) capital and operational expenditures into the following investment groups:

Major Investment Groups

- 1) Public Safety - \$27.5M New Combined Public Safety Building (FY22 - FY24)
- 2) Schools Buildings - \$40M (town share) Elementary School(s) (FY24 and FY28)
- 3) Roads - Major paving projects: Topsfield Rd (FY21 - 1.5M), High St (FY24 - 4.4M), Argilla Rd (FY27 - 1M) and Jeffries Neck Rd (FY30 - 1M))
- 4) Open Space - \$500K in FY22 and \$3.5M over FY28 – FY38
- 5) Town Operational Override - \$1M (FY24)
- 6) School Operational Override - \$2.9M (FY23 & FY29)
- 7) Water/ Wastewater – water and sewer repairs and modernization \$60M (FY22 – FY32)
- 8) Electric - Base rate increases cover capital expenditures. Capital plan is included in the ELD budget.

The Working Group presented the results of this plan and the investment sequencing to the Select Board, School Committee and Finance Committee on September 2, 2020. The boards voted to accept this plan as a roadmap for Ipswich's future investments.

Recommendations

Planning for and addressing the major operational and capital needs of the town should be treated as a continual process, one that requires consistent monitoring, prioritization and adjustment, as identified needs are addressed and new priorities are identified. Consider that just during the 12 months the SPWG has been in existence, initially identified priorities including major road construction have begun to be addressed, while additional priorities including affordable housing, climate adaptation, and historic resource protection have been identified for

inclusion in the plan. We expect this process to continue in the future. With this thought in mind the SPWG recommends the following actions and timeframes for their implementation (**short term = 6 months, medium term = 12 months, long term = > 12 months**):

- An outreach campaign should be undertaken to share the findings of the SPWG, educating residents and business on the town's major operational and capital needs and seeking community input on the investment plan. **Timeframe: Short Term**
- The Town should develop and implement a process for vetting the strategic investments requested by town, school and utility departments. This process should be designed to ensure that submitted investments (among other criteria) are necessary, timely, and affordable. **Timeframe: Short Term**
- The Town should develop a more formal process for the ongoing identification and prioritization of major operational and capital needs of the town. This process could borrow from the town's capital project approval process and should be structured, objective, and transparent. **Timeframe: Medium Term**
- The Town should establish a permanent Strategic Planning entity to perform the periodic updates and modifications necessary to maintain the currency and relevancy of the strategic plan. **Timeframe: Medium Term**
- The Town should develop a process for monitoring and tracking the progress of major operational and capital investments. This process should include investments in information technology products (e.g. dashboards) that inform town leaders, departments and citizens. **Timeframe: Short to Medium Term**

EXHIBIT C

CALCULATING TAX IMPACT OF THE ARTICLES

As you consider each article, the tax impact on your home can be calculated by:

1. Take the amount proposed in the article, divide that number by the total assessed value, (see chart below)
2. Multiply that number by 1,000.
3. Take that number and multiply it by the assessed value of your house in thousands (\$450k house = 450).
4. This is the financial impact passage of that article will have on your tax bill.

The 2021 tax rate of \$13.22 per thousand is calculated by taking the current total tax levy of \$42,900,214 and dividing it by the Total Assessed Value of \$3,245,099,399 and multiplying by 1,000.

Year	Total Tax Levy	Total Assessed Value	Tax Rate
2004	20,133,878	2,110,469,355	9.54
2005	21,058,583	2,252,254,870	9.35
2006	22,471,570	2,466,692,773	9.11
2007	23,492,584	2,823,627,988	8.32
2008	24,867,182	2,694,169,183	9.23
2009	27,325,871	2,642,734,143	10.34
2011	29,056,294	2,421,357,836	12.00
2012	30,182,088	2,363,515,059	12.77
2013	31,028,800	2,332,992,495	13.30
2014	32,079,079	2,388,613,418	13.43
2015	33,395,623	2,471,918,744	13.51
2016	37,413,772	2,519,445,906	14.85
2017	38,692,666	2,726,755,947	14.19
2018	39,994,765	2,808,621,152	14.24
2019	41,595,267	2,952,112,631	14.09
2020	42,931,265	3,062,144,428	14.02
2021	42,900,214	3,245,099,399	13.22

EXHIBIT D

TOWN OF IPSWICH MODERATOR'S GUIDE TO TOWN MEETING

WELCOME TO TOWN MEETING!

Following is a summary of the terminology we use and the process we follow during Town Meeting in Ipswich. For more information, see the Town Moderator's page on the town website.

What is Town Meeting?

Town Meeting is the foundation of Town Government, the purest form of direct democracy and fiscal responsibility. While the elected officials and appointed department heads supervise the day-to-day running of the town and schools, their authority extends only to managing employees and administering the expenditures approved by Town Meeting.

Ipswich has an Open, as opposed to a Representative, Town Meeting form of government; each registered voter has the right to be heard in a respectful and civil fashion and to vote on matters properly before the meeting. Open Town Meeting is the best insurer of liberty by giving the primary power to the citizens.

During a typical Town Meeting, voters approve the town's annual and supplemental budgets for schools and general government; vote on additional capital expenditures for equipment or buildings; authorize changes to zoning and other town by-laws; approve compensation for elected officials; buy, sell, or otherwise convey interest in land; and more. Most of the money a town spends is generated from the local property tax, though some comes from the state or special funds.

What is the Warrant?

The warrant is the list of topics, called articles, under which the proponents make motions for Town Meeting to act upon. It is set by the Selectmen and is "open" and "closed" for a set period well in advance of the meeting though they can reopen it any time before "posting" it. After review by the Finance Committee and Town Counsel, the Selectmen post the warrant shortly before Town Meeting which does not come to an end until we have addressed all of the matters listed on the warrant. Town Meeting only addresses issues within the "scope" of the articles on the warrant. A warrant for a meeting can have any number of articles and the amount of debate on each can vary widely.

What about the Election?

Although it is held at a separate place and time, typically at the YMCA one week following the start of Annual Town Meeting, the election is part of the Annual Town Meeting. There we elect town officials and vote on ballot questions such as debt exclusion or tax overrides. Some Town Meeting expenditures require both an affirmative vote under an article on the warrant for Town Meeting as well as by ballot.

Who Participates in Town Meeting?

Voters: Every registered voter in town is a legislator, with the power to participate in budgeting, allocating funds, and passing by-laws. During Town Meeting the voter's job is to listen, to ask questions, to offer arguments for or against the various issues – to deliberate – and to vote.

Moderator: An elected official who presides and regulates the proceedings at Town Meeting, decides all questions of order, and is responsible for declaring the votes. Our by-law requires the Moderator to follow the parliamentary procedures set out in *Town Meeting Time*, a handbook published by the Massachusetts

Moderators Association and used in many other towns. The Moderator has broad authority to accept parliamentary motions, regulate debate, and rule speakers in or out of order.

Town Clerk: Appointed by the Town Manager, the Town Clerk is responsible for maintaining town records, conducting elections, and recording the votes and actions taken at Town Meeting.

Town Counsel: A lawyer who represents the Town and attends Town Meeting to advise the officials and members on the proposed actions before the meeting.

Finance Committee: A nine-member committee appointed by the Moderator, Selectmen, and Annual Town Meeting, this advisory committee is responsible for investigating costs, maintenance, and expenditures of the different departments of the Town and to consider all articles on the warrant (except those providing for the election of Town officers). Its charge is to advise the Town Meeting on everything on the warrant.

Board of Selectmen: The Selectmen have a particularly important role before Town Meeting. They prepare the warrant, obtain legal opinions where needed, make recommendations on certain articles, collect recommendations from other boards and committees, and post the warrant. During Town Meeting itself, their role is the same as other boards and committees. They will often make the main motion under an article, offer information, particularly through their appointed standing or *ad hoc* committees, and may answer questions.

Boards and Committees: The other Town boards have jurisdiction over various areas including schools, planning and zoning, etc. Their representatives often make the main motion under an article, give special presentations, or supply information on matters under consideration. Each member of a board or committee can speak and vote independently as a citizen.

Petitioners: Not only Town officials can place articles on the Town Meeting warrant. Any ten voters have the right to petition the Board of Selectmen to put an article on the Annual Town Meeting warrant. This number increases to 100 for a scheduled Special Town Meeting and to 200 to petition the Board to call a Special Town Meeting.

Petitioners will offer the main motion on their article and may give a presentation or supply information. An article submitted by petition has the same status as other articles. To insure the best possible outcome, petitioners should contact the Town Moderator before collecting the necessary signatures in order to decide how best to word the article and to discuss other issues.

What Happens at Town Meeting?

Articles are considered in the order in which they appear on the warrant, though an article may be taken out of order, on motion by anyone, if a majority so votes. Each article is taken up in a similar way.

Motion: First the Moderator asks for the “main motion” under an article, usually from the sponsor. The Moderator will then ask for a second. Voters should listen closely to the main motion since the vote and debate is on that, *not* necessarily the article; often the motion is the same as the article, but it may be different. The mover then takes the floor and offers background and reasons in support of the measure. The Moderator then asks for the recommendations from the Finance Committee and other reporting committees and then opens up debate.

Debate: After being recognized by the Moderator but before speaking, voters will state their name and address. Often speakers are recognized using “alternating microphones” designated “Pro” and “Con.” Any registered voter may speak to any article, ask questions, voice comments or criticism, or offer information.

Remarks must be limited to the subject matter of the article and be civil and respectful of all members in the hall. Technically, all comments are directed to the Town Meeting through the Moderator.

Open and full debate is the hallmark of the New England Town Meeting. Most Massachusetts towns have formal or informal restrictions on how long and how often voters can speak on any article. Generally, presentations are limited to 5 minutes, though the Moderator may allow more time for more complicated matters (*e.g.*, annual budget or an override proposal); debate is limited to 3 minutes per person. Brevity is a virtue and voters are encouraged to offer only new points to the debate rather than repeat what others have said. That said, new speakers and new points of view are always encouraged.

Scope or “Four Corners”: State law provides that “no action shall be valid unless the subject matter thereof is contained in the warrant.” This is the source of the “four corners” rule: it limits the scope of motions and arguments to the subject matter of articles in the warrant. Anything “outside” the four corners would be unfair to discuss because it had not been in the warrant and therefore some people, not expecting it to come up, may not have gone to the meeting. This is for the Moderator to decide.

Point of Order: This term means somebody has a question about the conduct of the meeting (maybe she can’t hear, or another speaker isn’t entitled to speak, or the topic discussed is frivolous). Technically, it is not a motion so there is no need for a second or debate and someone *can* interrupt the speaker with this tool. The Moderator will decide the point without debate but will not entertain it simply to interrupt a speaker.

Voting: Most motions are decided by a simple majority. Some matters require a higher quantum of vote. For example, state law requires zoning by-law changes and transfers to and from the stabilization fund to pass by a two-thirds majority. Decisions can be made by a voice vote, a show of hands, or having voters stand while they are counted by tellers. The Moderator declares the outcome of a voice or show of hands vote. If seven people question the outcome, the Moderator will call for a count by tellers.

Amendments: Amendments can be offered to any motion being debated. To offer an amendment, a voter must present it to the Town Clerk in writing. The Moderator will recognize the person proposing the amendment, entertain debate, and put the matter to a vote. If before the meeting anyone anticipates proposing an amendment, it is wise to contact the Moderator and discuss the proposed amendment to be sure it is in proper form.

Consent Calendar: The Consent Calendar is an exception to the general rule of Town Meeting. These are items that the Selectmen expect will not engender significant controversy. They insert these matters on the Consent Calendar, unusually the first article on the warrant for the Annual Town Meeting, which usually pass with one motion and little if any debate.

At the call of the Consent Calendar, the Moderator will read out the numbers of the items, one by one. If anyone objects to any item, she simply says “Hold” after hearing its number. In that case the Moderator will put it aside and treat it as a separate article, to be debated and voted upon in the usual manner. After calling the items in the Consent Calendar, the Moderator will ask for a motion that the meeting pass all items remaining on one vote. This process makes the Town Meeting more efficient by speeding up the handling of non-controversial items.

Quorum: Our by-law requires a quorum of 200 for any Town Meeting.

Reconsideration: Our by-law provides that a matter can only be reconsidered if it had been voted on in the same session (*i.e.*, same night) and in the discretion of the Moderator one of three things occurred: 1) there was a significant error in the language or process of the original action, 2) there had been a significant

change in circumstance, or 3) reconsideration is in the Town's best interest. If so, and the meeting by a two-thirds majority wants to take up the matter anew, then the motion for reconsideration passes.

For more details, go to the Town Moderator's page on the Town website. It has useful information including a three-part series on the history of Town Meeting in Ipswich. Also available is a modern account of the duties and responsibilities of the players. For those who would like to present or speak at a meeting, they will find a general introduction to modern-day meetings, a step-by-step description of how to make a presentation or to speak at a meeting (Presenting and Speaking at Town Meeting), and the Moderator's requirements with suggested guidelines when using graphics (Use of Visual Aids at Town Meeting).

EXAMPLES OF COMMON MOTIONS AT TOWN MEETING

Following are a few examples of motions one might well hear at Town Meeting:

I move to amend the main motion under this article by_____.

This is the most common motion. For example, if the main motion is whether or not to buy a new firetruck, someone might move to amend the main motion to limit the price to a certain amount of money. If it passes, we then decide whether to buy the firetruck up to that amount.

I move the previous question:

Another common motion: this means the person making the motion wants to stop debate, but the Moderator need not accept this motion. If the Moderator does accept it and it passes, that ends debate on the matter and forces a vote. Moving the "question" is not subject to amendment or debate and requires a two-thirds majority to pass; if it fails, debate continues. The Moderator will usually accept it unless both sides have not been heard.

I move to refer this article to _____:

Sometimes the question before the meeting needs more study. In that case, someone might move to refer the matter to a committee – either a standing committee such as the Finance Committee or to one to be appointed for a specific purpose, called an *ad hoc* committee. In that case, the motion must identify the committee (*e.g.*, one person appointed by the Selectmen, one person appointed by the Finance Committee, and one person appointed by the Moderator). It requires a second, it is debatable, and it takes a simple majority to pass.

I move to lay the matter on the table:

This motion, if passed, ends debate on the motion without action. It is not subject to debate or amendment and takes a two-thirds majority to pass. If it passes, and Town Meeting ends without the motion being taken back off the table, the matter is dead. It will not automatically come back to life at the next Town Meeting; for that it would need to be included on the new warrant.

I move to take Article ____off the table:

This motion, if passed, revives the debate on something that has been "tabled." It cannot be debated or amended and takes only a simple majority to pass.

I move to dissolve the meeting:

This motion, if passed, ends the Town Meeting. Under our by-laws it is in order *only* when all articles on the warrant have been disposed of in some way (*e.g.*, pass, fail, or no action). It is not subject to debate and requires a simple majority to pass.

Rev: April 6, 2015

GLOSSARY OF TERMS

AVAILABLE FUNDS – See Unencumbered Funds

CHERRY SHEET – Cherry-colored form showing state and county charges and reimbursement to the Town as certified by the State Director of Accounts.

ENTERPRISE FUNDS – Funds that account for all revenues and expenditures for services and allow surpluses to be used to reduce user fees for the services or to pay for capital improvements. Each fund has an independent budget. Losses are made up from the Town's general fund.

FISCAL YEAR – July 1 through June 30.

FREE CASH – See Unencumbered Funds

OPEB – Other Post-Employment Benefits, which include health and life insurance for retired town employees

OVERLAY – Funds set aside to cover abatements and exemptions. The amount is determined by the Board of Assessors.

OVERLAY RESERVE – Unused accumulated amount of Overlay for previous years that is not required to be held in a specific Overlay account for a given year. Once released by the Board of Assessors the funds may be used for any municipal purpose.

RESERVE FUND – A fund established in the Municipal Operating Budget. It is under control of the Finance Committee, which may authorize transfers for extraordinary or unforeseen expenditures.

STABILIZATION FUND – A special account created to provide a reserve for the Town.

SURPLUS REVENUE – The total amount of cash, accounts receivable, and other current assets that exceed liabilities and reserves.

UNENCUMBERED FUNDS – The amount of surplus revenue, minus uncollected taxes of prior years. Unencumbered funds must be certified by the State Bureau of Accounts before they can be used. Also known as Free Cash or Available Funds.